DETAILED ACTION

The Preliminary Amendment has been received April 4, 2008. According to the Amendment, the specification has been amended to update priority information. Currently, claims 1-20 are pending in the application. Acknowledgment has been made.

Specification

The disclosure is objected to because of the following informalities:

In the specification, page 4, line 20, the recited phrase "Figure 4 shows the monitor if Figure 1" should be changed to "Figure 4 shows the monitor of Figure 2" for consistency.

In the specification, page 7, line 11, a closing parenthesis ")" should be inserted after the word "distribution".

In the specification, page 8, line 12, the word misspelled word "backgrouns" should be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-20 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A computer storage (or computer readable medium)

for storing the game program is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Although the disclosure stated that "the processor would contain software or on-line connection to software" (specification, page 8, lines 27-28), however, it does not provide specifically where and how the game software being accessed. Note that, a processor is for processing the computer code, not for containing the software.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite since it is unclear between the preamble and the body of the claim. Further, the method lacks positively recited steps.

In claims 15-20, the recited limitation of "the processor containing software enabling play of the method" renders the claims vague and indefinite since it is unclear how a processor "containing software enabling play." It appears that the applicant intended to claim the apparatus having a processor that executes a software embedded in a computer readable medium, to perform a video gaming method.

Further, the claimed apparatuses of claims 15-20 should be rewritten in independent form.

I think claims 1-13 are a potential 101 issue. The limitation of a tangible medium is recited in the preamble and does not appear in the body of the claim. Additionally, the method steps do not appear to be conducting a physical transformation of a tangible medium.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al. (6,413,162) in view of Payne et al. (6,241,607).

Referring to claims 1 and 15, Baerlocher et al. teaches a method of displaying paylines on a video gaming apparatus having a display surface, comprising: providing images of symbols in at least one pattern selected from the group consisting of circle patterns or ellipse patterns (e.g., circular paylines 56l-56o, 11:28-41; 12:1-30; Fig. 7), the patterns being divided into radial or focal distributions of symbols (e.g., group 240; fig.7), paylines being formed by the patterns of symbols in the radial or focal distributions (e.g., winning resulted from combination of similar symbols of the same group; 11:27-60; Fig. 7), and the paylines determining combinations of symbols that can identify an award (1:61-12:51). Baerlocher et al. does not explicitly teach the limitation of the paylines being predetermined by selection by a player. Payne et al., however,

teaches a multiple payline gaming method and apparatus wherein the paylines being predetermined by selection by a player (2:18-23)(Fig.2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the payline selection game of Payne et al. to the multiple payline game of Baerlocher et al. to come up with a gaming method and apparatus that provides game player more advantage that enhanced his or her perceived chances of winning, and at the same time, such combination would be beneficial to the game proprietor in that it would tend to increase the number of wagers made by a player per play proposition.

Referring to claims 2, 5, 10, and 11, wherein symbols that are used to determine awards are added to the patterns one-at-a-time (claim 2); the images of the symbols that are used to determine awards are exposed in a predetermined order on the display surface (claim 5); wherein at least one symbol is added to the paylines one-at-a-time without prior display of the at least one symbol as virtually moving (claim 10); and wherein individual symbols are displayed along paylines one-at-a-time with at least three consecutive displayed symbols being displayed in three non-adjacent symbol display positions (claim 11); these limitations are inherent from Baerlocher et al.'s teaching of the reels can spin independently, in any direction and start and stop at different times as desired by the implementor (6:25-27). Further, regarding individual symbols being displayed along paylines with at least three consecutive displayed symbols being displayed in three non-adjacent symbol display positions (claim 11), this limitation is inherent from Baerlocher et al.'s teaching of displaying symbols in three

non-adjacent symbol display positions of payline 56l (circular pay line connecting symbol C, D, E, F,G).

Referring to claims 3 and 4, Baerlocher et al. teaches at least two paylines or four which are available in the images of symbols in a pattern (Fig. 7).

Referring to claim 6, Baerlocher et al. teaches paylines comprise radial lines from a central area that include at least three symbols (e.g., winning resulted from combination of similar symbols of the same group 240; 11:27-60; Fig. 7).

Referring to claim 7, Baerlocher et al. teaches additional paylines are provided along lines that form a circle or ellipse around the central area (Fig.7).

Referring to claim 8, Baerlocher et al. teaches paylines include at least two radial lines that are directed towards or away from the central area (Fig. 70).

Referring to claim 9, wherein symbols are added to the paylines randomly, this limitation is inherent from Baerlocher et al.'s teaching of symbols being generated independently from different reels having uniform odds (see abstract).

Referring to claims 12-14, wherein each symbol appears to have a unique orbit during a period of virtual movement of symbols (claim 12); all symbols appear to move in orbits about a central area (claim 13); and wherein at least one set of symbols move within a single orbit (claim 14), these limitations are inherent from Baerlocher et al.'s teaching of alternative game layouts (Fig. 7; 11:26-12:30) which formed different circular paylines and that the reels can spin independently, in any direction and start and stop at different times as desired by the implementor (6:25-27; 12:10-20).

Referring to claims 15-20, Baerlocher et al. and Payne et al. teach all limitations of claims 1, 4, 7, 10, 12, and 14 as being addressed above and are incorporated herein. Baerlocher et al. further teaches a gaming apparatus (10) (Figs. 1A, 1B) comprising a housing, a video screen, a processor, and a memory device gaming software (40) (Fig. 2). Note that, Baerlocher et al. also teaches the gaming application can also be implemented using one or more application specific integrated circuits (ASIC's) (6:1-3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the payline selection game of Payne et al. to the multiple payline game of Baerlocher et al. to come up with a gaming method and apparatus that provides game player more advantage that enhanced his or her perceived chances of winning, and at the same time, such combination would be beneficial to the game proprietor in that it would tend to increase the number of wagers made by a player per play proposition.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
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